

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BEVERLY ZIMMERMAN, et al., *on behalf of
themselves and all others similarly situated,*

Plaintiffs,

v.

THE 3M COMPANY f/k/a Minnesota Mining
and Manufacturing Co., et al.,

Defendants.
_____ /

Case No. 1:17-cv-1062

HON. JANET T. NEFF

MEGAN JOHNS, et al., *on behalf of
themselves and all others similarly situated,*

Plaintiffs,

v.

WOLVERINE WORLD WIDE, INC., et al.,

Defendants.
_____ /

Case No. 1:18-cv-1302

HON. JANET T. NEFF

SUSAN HENRY, *on behalf of herself and all
others similarly situated,*

Plaintiff,

v.

WOLVERINE WORLD WIDE, INC., et al.,

Defendants.
_____ /

Case No. 1:19-cv-379

HON. JANET T. NEFF

ORDER

Pending before the Court is Plaintiffs' Motion to Amend Caption for Amended Consolidated Class Action Complaint (ECF No. 176)¹ to address the Court's docketing concerns with the amended consolidated class action complaint filed October 17, 2019 (ECF No. 154).

The Court has considered the Motion, Defendants' Joint Response (ECF No. 179), and the case circumstances. In light of Plaintiffs' changes to the named plaintiffs/putative class representatives and the consolidation of the three underlying complaints into a single consolidated complaint, the Court determines that the appropriate course is for Plaintiffs to move forward with these proceedings in the *Johns* case, No. 1:18-cv-1302. As Defendants point out, no named plaintiffs remain from either the *Zimmerman* case or the *Henry* case. The Court finds no justification for continuing with three duplicative class action complaints and filings in separate case dockets.

Plaintiffs shall therefore proceed with an amended consolidated class action complaint in the *Johns* case that adds the new Plaintiffs and omits those no longer named. The complaint caption shall accurately identify the ten putative class representatives currently named as Plaintiffs, and shall maintain Megan Johns as the first-named plaintiff for consistency in the case docketing. Additionally, because the parties' Joint Notice (ECF No. 180) states that Plaintiffs agree to dismiss Count IV, unjust enrichment, of their pending consolidated amended class action complaint, the newly amended complaint shall omit that claim. The *Zimmerman* and *Henry* cases shall be dismissed.

Accordingly, Plaintiffs' Motion (ECF No. 176) is GRANTED IN PART and DENIED IN PART. To maintain a complete record, Plaintiffs shall not later than **March 26, 2020** file a motion in each of the three underlying cases, attaching as an exhibit the proposed amended consolidated class action complaint, as set forth herein, and requesting that the Court: (1) accept the proposed complaint for filing in the *Johns* case; and (2) dismiss the *Zimmerman* and *Henry* cases as duplicative.

In light of the parties' response in the Joint Notice (ECF No. 180) on Issue (4): Courses of Action to Expedite a Remedy and/or Resolution in these Cases as an Alternative to, or in Conjunction, with Continuing Litigation, the parties shall not later than **March 31, 2020** file a

¹ The docket references herein refer to the filings in the *Zimmerman* case.

Supplement to the Joint Notice updating the Court on the process for discussing a potential resolution of the state court litigation that may impact the claims before this Court.

The time for Defendants to file their answers to the newly amended consolidated class action complaint is extended until the Joint Notice Supplement and further order of the Court.

IT IS SO ORDERED.

Dated: March 16, 2020

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge